

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LYNN GORMLEY,

Plaintiff,

-against-

TARGET BRANDS, INC., and TARGET  
CORPORATION,

Defendants.  
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**AZRACK, United States District Judge:**

Plaintiff Lynn Gormley (or “Plaintiff”) commenced this action on August 30, 2019, against Defendants Target Brands, Inc., and Target Corporation (together, “Defendants”) in New York Supreme Court, Queens County, alleging physical injury and mental anguish as a direct result of Defendants’ negligence. (ECF No. 1-1.) On December 24, 2019, Defendants removed the case to this Court. (ECF No. 1.) On June 28, 2021, counsel for Plaintiff filed a motion to withdraw as counsel which was granted. (ECF Nos. 27, 30.) Thereafter, Plaintiff failed to appear at consecutive status conferences or otherwise comply with court orders. (See, e.g., ECF No. 32-34, 36.) By sua sponte Report and Recommendation dated December 7, 2021, Magistrate Judge Steven I. Locke recommended dismissal of the action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (ECF No. 37.) No objections have been filed and the time for doing so has since passed. For the reasons stated below, the report is adopted in its entirety.

“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” Smith v. Campbell, 782 F.3d 93, 102 (2d Cir. 2015) (quoting Mario v. P

& C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002)); see also Phillips v. Long Island R.R. Co., 832 F. App'x 99, 100 (2d Cir. 2021) (same). In the absence of any objections, “the district court need only satisfy itself that there is no clear error on the face of the record.” Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd., 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (internal citations omitted).

The Court has reviewed the record and the unopposed Report and Recommendation for clear error and, finding none, hereby adopts Judge Locke’s Report and Recommendation in its entirety as the opinion of the Court.

Accordingly, the Court dismisses the action with prejudice for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of Court is directed to mail a copy of this Order to Plaintiff at the address of record and close this case.

**SO ORDERED.**

Dated: December 27, 2021  
Central Islip, New York

\_\_\_\_\_/s/ JMA\_\_\_\_\_  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE